

Definition A-reckless as to “result” of conduct

**INSTRUCTION NO. \_\_\_\_**

A person acts “recklessly” when (he)(she) is aware of a substantial and unjustifiable risk that (his)(her) conduct will cause a particular result, consciously disregards the risk, and acts anyway.

The nature and extent of the risk must be such that disregarding it is a gross deviation from what an ordinary person would do in that situation.

Committee Note: Generally, it will be enough to use this definition (definition A), which focuses on recklessness with respect to the **result** of the actor’s conduct. However, where the applicable statutory provision focuses on recklessness as to the **circumstances** surrounding the actor’s conduct, definition B should be used.

Note: Where the applicable statute specifically references “malicious” conduct, care should be exercised in ensuring that the definition for recklessness is appropriate to the circumstances. While the definition for recklessness includes the term “maliciously,” a review of those statutes leaves open the question whether that term is, in all cases, a direct substitute for “reckless” conduct. This matter has been referred to the Anomalies committee of the Utah Sentencing Commission for its review and action, including possible legislative re-drafting.